

No. 16041

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United States  
Court of Appeals  
for the Ninth Circuit

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CHARLES E. SMITH,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

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Supplemental  
Transcript of Record

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Appeal from the District Court  
for the Territory of Alaska  
Third Division

FILED

OCT 23 1958



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PLAINTIFF'S EXHIBIT No. 20  
(For Identification)

I, Charles Edward Smith, residing at 11815 78th Avenue South, Seattle, Washington, hereby make the following voluntary signed statement to Special Deputy, United States Marshal Ted Pass, and Lt. Wm. W. Trafton, Dept. of Territorial Police. I have been advised of my right to counsel, that I need not make a statement and any statement that I do make may be used against me in a court of law. No threats or promises, or any form of duress have been used to induce me to make this statement.

Sometime during the last week in August, 1956, while I was working at the International Hotel, Fairbanks, Alaska, operated by Lou Kinda, John Volk, who resided at the International Hotel, asked me if I wanted to make some money. He told me that it involved a check passing scheme. I told him that I was interested. About August 28, 1956, John Volk mentioned to me that this deal had to do with the passing of the M-K checks. I asked him how much was involved and he told me about \$100,000.00. I believe it was at this time he asked me if I was known in Anchorage. I told him no so he said it was all set. I mentioned to Sam Leacock, operator of several B-Girl joints, that he should not accept any M-K checks as he would get stuck.

On August 31, 1956, while I was working at the International Hotel, John Volk told me to come to his room, which I did. In his room, John Volk took

a picture of me and I in turn took a picture of him, with a Polaroid camera. Also at this time, Volk showed me an identification card made out in the name of Wendell R. Ware. I believe that I signed this card at this time, with the name Wendell R. Ware. I did not see this card again until Volk and I were in Anchorage.

Before we left Fairbanks, Volk informed there was no hurry in getting to Anchorage because we were supposed to get there after the banks were closed. He told me we had three days in which to pass the fraudulent M-K checks.

John Volk and I left Fairbanks early Saturday morning, September 1, 1956, in my 1956 GMC pickup, for Anchorage. I didn't have any checks and I do not believe Volk had any at this time. When we arrived in Anchorage, I left Volk out at the Westward Inn, located on the corner of Fifth and Gamble. I drove West on Fifth Avenue and stopped at the first bar on the right side of the street. I went into the bar there and waited for John Volk for about an hour. Volk walked from the Westward Inn, where I had dropped him, to the bar where I was waiting. When he entered the bar he was carrying a blue zipper bag. We went to the truck, where we opened the bag. It contained two bundles wrapped in newspapers. Inside the wrappings of each bundle were about fifty of the M-K checks, plus the identification card I had signed in Fairbanks in the name of Wendell R. Ware. This



identification card also had my photograph pasted on it. I also observed John Volk's identification card made out in the name of Michael L. Stevens, with the photograph that I had taken of him pasted on it.

I asked John Volk where he received the checks and from whom. Volk told me that I was getting nose-y and if I didn't know I couldn't tell. I feel sure that John Volk picked up the checks at the Westward Inn.

Prior to the time I began cashing these checks, I purchased a hat and a pair of glasses. The hat was one of the cheaper type hats, light brown or sun-tan in color. I wore these two items all the time that I was cashing the checks. I purchased them for the purpose of disguising my identity.

I estimate that I cashed about thirteen of the M-K checks, endorsing each check with the name of Wendell R. Ware as it was cashed. John Volk and I cashed several checks in the same store at the same time. I also observed John Volk endorse several of the M-K checks with the name of Michael L. Stevens. Some of the places that I remember cashing some of the M-K checks are as follows:

Northern Commercial Company

Union Club

Market Basket, Spenard

J. Vic Brown Jewelry

Club Bar

Paddock's Paint Store

Piggly Wiggly (2 Stores)

Fruit Stand (5th & Gamble)

There were other stores also, but I cannot remember the names or the locations.

During the time that I was passing the checks, I observed Alice Bramlett and Lee Williams with another man in a late model automobile. Lee Williams was driving. The reason I recall this is that I didn't want anyone that I knew to see me, and I sort of hid myself from them.

I made arrangements with John Volk to meet me in front of the Fourth Avenue Theater where I had gone to see a show. He told me that we had plenty of time to cash the checks. I took my pickup to a gas station for a grease job and oil change. This station is located quite a distance from the theater. When I came out of the show John Volk met me and told me that we had to leave for Fairbanks right away as there was some trouble up there. I caught a Yellow Cab and drove to the gas station where I got my pickup and then picked up John Volk. We left immediately for Fairbanks. I estimate we were in Anchorage for only four hours. I estimate that when we left Anchorage we had about \$5,000.00 in cash in small bills, which we put in a brown paper bag. I believe that John Volk passed about the same number of checks as I did.

Shortly after we passed the military camp on the Glenn Highway, we pulled off into a side road and



threw away all the merchandise that we had purchased in Anchorage. We also burned the balance of the M-K checks and our identification cards. All we kept were some carrots that we had bought, and several bottles of whiskey, VO brand.

At this same time, I also threw away the hat and the glasses that I had purchased in Anchorage.

I estimate that we left Anchorage about 6:00 p.m., on September 1, 1956, and arrived in Fairbanks about 3:00 a.m. the following morning. We stopped in the Diamond Horseshoe Bar, which was still open. John Volk then dropped me off at 1001 First Avenue. He told me to get packed, that he would be back in about one-half hour and we would then leave for the border. Volk said that he had to take the money out to the Country Club. This was the last time that I saw the money, but I heard later that it had been used as bail money to help get Brownfield, Eckley and Hausam out of jail.

John Volk and I cleared the border on September 2, 1956, and arrived in Seattle on Tuesday, September 4, 1956. I drove all the way. I didn't get any sleep for three and one-half days. Volk and I checked in to the Alvord Hotel, located at 914 Pike Street. We stayed there several days and Volk left and I went to my parents' place at 11815 78th Avenue South. I have not seen Volk since but I had a long distance call from him from Peoria, Illinois, and he informed me that Cliff Judd had the check money that was part of the \$30,000.00 bond for the

three check passers who were arrested in Fairbanks. This call came to me about a week after Volk left Seattle. I then began to go out to the Seattle-Tacoma airport to see if I could spot Cliff Judd coming down from Alaska. Volk had informed me that Cliff Judd had left Fairbanks. About this time I contacted Johnny Boyd, operator of the Greenland Bar, as I knew he was a good friend of Cliff Judd. Boyd told me he did not know where Judd was at the time. However, later Boyd told me that Judd had called him from Vancouver, B. C. At one time that I was in the Greenland Bar, James Ing was with me. James Ing was also looking for Cliff Judd. James Ing told me that Cliff Judd had the \$30,000.00, and he was going to get it back.

I happened to run into Judd at the International Airport. James Ing was with me. Big Foot, whose name is Don Urlin, drove out with me in the Cadillac owned by Tom Pulakis, who lives at 107 Eastlake Avenue. Urlin stayed in the car. Both Ing and I asked Judd about the \$30,000.00. Judd denied having the money, but said that if he did have it he would not give it back.

A few weeks later I made a trip to Chicago and Peoria, Illinois, in an effort to locate John Volk. I intended to go to South America and thought he would want to go there also. I could not locate Volk but heard that he had been there. I talked to Kenneth R. Brownfield in Chicago and told him that I had been in Anchorage with Volk and had passed M-K checks there. Brownfield didn't know where

Volk was. I had known that Volk and Brownfield had been in jail together. I returned to Seattle in about five days and then returned to Fairbanks via Pan American.

I only stayed a few days in Fairbanks as everyone told me I had better leave. While in Fairbanks, Lou Kinda informed me that John Volk had sent him a wire from Miami, Florida.

Sometime during February, 1957, I met James Ing in the New Washington Hotel in Seattle and told him that I might be going to Fairbanks to get a job. James Ing told me I would be crazy if I returned to Alaska.

On Friday, March 15, 1957, at about three o'clock in the afternoon, I was picked up at my home by Lt. Wieland, King County Sheriff's Office, and Special Deputy U. S. Marshal Ted Pass, who held a warrant for my arrest. I was taken to the King County Sheriff's Office in Seattle, where I signed a waiver of extradition for my return to Alaska.

I have furnished the content of this statement to Special Deputy U. S. Marshal Ted Pass and Lt. Wm. Trafton, Department of Territorial Police. I have read this statement in its entirety, consisting of four typewritten pages. It has been read to me and I have been allowed to make any corrections or deletions that I desired. I have signed each page with my signature. To the best of my knowledge and recollection, the facts contained herein are true.

/s/ CHARLES E. SMITH

Witnessed By:

/s/ WM. TRAFTON,

/s/ T. E. PASS,

/s/ EDWARD J. HARKABUS

PLAINTIFF'S EXHIBIT No. 23  
(For Identification)

United States Commissioner, District of Alaska,  
Anchorage Precinct, Anchorage, Alaska

No. 45-64

UNITED STATES OF AMERICA,

vs.

CHARLES EDWARD SMITH.

1957

Mar. 14—Complaint filed in writing on oath of William T. Plummer, United States Attorney, charging the defendant with the violation of Section 65-6-2 ACLA 1949. Forging and uttering a forged instrument.

Mar. 14—Warrants issued.

Mar. 21—Defendant appeared without counsel before Warren C. Colver, complaint read,

advised of his rights and defendant waived his right to a Preliminary Hearing.

Commitment issued and bail set at \$10,000.00.

Mar. 22—Transcript of Proceeding sent to the District Court. This is to certify, that herein are all the original papers and pleadings in the above-mentioned case.

1. Complaint.
2. Waiver.
3. Commitment.

[Seal]      /s/ WARREN C. COLVER,  
United States Commissioner.

This will acknowledge the receipt of all the original papers and pleadings in the above-mentioned case.

Dated at Anchorage, Alaska, this 22nd day of March, 1957.

/s/ ROSEMARY RICE,  
Deputy Clerk of Court.



District Court for the District of Alaska, Third  
Division, Anchorage Precinct at Anchorage

Commissioner's No. 45-64

UNITED STATES OF AMERICA,

vs.

CHARLES EDWARD SMITH.

### COMPLAINT—FELONY

Charles Edward Smith is accused by William T. Plummer, United States Attorney, in this complaint, of the crime of 65-6-2 ACLA 1949 Forging and uttering a forged instrument, a felony, in violation of Section 65-6-2 ACLA 1949, which said offense was committed as follows, to wit:

The Said Charles Edward Smith, in the Territory of Alaska and within the jurisdiction of the District Court for the District of Alaska, wilfully, feloniously and unlawfully, on or about the 1st day of September, 1956, at or near Anchorage, Third Division, Territory of Alaska, did utter and publish as true and genuine, a forged and counterfeit payroll check of the Morrison & Knudsen Company Check No. 8847 dated August 29, 1956, drawn on the First National Bank of Anchorage, for the sum of Two Hundred Fourteen and 36/100 (\$214.36) Dollars payable to the order of Michael L. Stevens, and signed by the Morrison Knudsen Company by Guy M. King, with intent thereby to injure and defraud



the Anchorage Jewelers contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

/s/ WILLIAM T. PLUMMER,  
Complainant.

Verification

United States of America  
Territory of Alaska—ss.

I, William T. Plummer, United States Attorney, being first duly sworn, depose and say that the foregoing complaint is true.

/s/ WILLIAM T. PLUMMER,  
Complainant.

Subscribed and sworn to before me this 14th day of March, 1957.

[Seal]     /s/ WARREN C. COLVER,  
United States Commissioner,  
at Anchorage, Alaska.

Bail \$10,000.00

The first of these was the discovery of gold in California in 1848. This discovery led to a great influx of people to California, and the state became a free state in 1850. The second was the discovery of gold in Nevada in 1859. This discovery led to a great influx of people to Nevada, and the state became a free state in 1864. The third was the discovery of gold in Colorado in 1859. This discovery led to a great influx of people to Colorado, and the state became a free state in 1876.

The fourth was the discovery of gold in Idaho in 1860. This discovery led to a great influx of people to Idaho, and the state became a free state in 1890. The fifth was the discovery of gold in Montana in 1862. This discovery led to a great influx of people to Montana, and the state became a free state in 1889.

The sixth was the discovery of gold in Wyoming in 1869. This discovery led to a great influx of people to Wyoming, and the state became a free state in 1890. The seventh was the discovery of gold in Utah in 1871. This discovery led to a great influx of people to Utah, and the state became a free state in 1896.

The eighth was the discovery of gold in Arizona in 1876. This discovery led to a great influx of people to Arizona, and the state became a free state in 1909. The ninth was the discovery of gold in New Mexico in 1878. This discovery led to a great influx of people to New Mexico, and the state became a free state in 1906.

The tenth was the discovery of gold in Texas in 1884. This discovery led to a great influx of people to Texas, and the state became a free state in 1845. The eleventh was the discovery of gold in Louisiana in 1884. This discovery led to a great influx of people to Louisiana, and the state became a free state in 1804.

The twelfth was the discovery of gold in Mississippi in 1884. This discovery led to a great influx of people to Mississippi, and the state became a free state in 1817. The thirteenth was the discovery of gold in Alabama in 1884. This discovery led to a great influx of people to Alabama, and the state became a free state in 1801.

The fourteenth was the discovery of gold in Georgia in 1884. This discovery led to a great influx of people to Georgia, and the state became a free state in 1788. The fifteenth was the discovery of gold in Florida in 1884. This discovery led to a great influx of people to Florida, and the state became a free state in 1821.

The sixteenth was the discovery of gold in South Carolina in 1884. This discovery led to a great influx of people to South Carolina, and the state became a free state in 1776. The seventeenth was the discovery of gold in North Carolina in 1884. This discovery led to a great influx of people to North Carolina, and the state became a free state in 1776.

The eighteenth was the discovery of gold in Virginia in 1884. This discovery led to a great influx of people to Virginia, and the state became a free state in 1776. The nineteenth was the discovery of gold in West Virginia in 1884. This discovery led to a great influx of people to West Virginia, and the state became a free state in 1863.

The twentieth was the discovery of gold in Maryland in 1884. This discovery led to a great influx of people to Maryland, and the state became a free state in 1776. The twenty-first was the discovery of gold in Delaware in 1884. This discovery led to a great influx of people to Delaware, and the state became a free state in 1776.

The twenty-second was the discovery of gold in Pennsylvania in 1884. This discovery led to a great influx of people to Pennsylvania, and the state became a free state in 1776. The twenty-third was the discovery of gold in New Jersey in 1884. This discovery led to a great influx of people to New Jersey, and the state became a free state in 1776.

The twenty-fourth was the discovery of gold in New York in 1884. This discovery led to a great influx of people to New York, and the state became a free state in 1776. The twenty-fifth was the discovery of gold in Connecticut in 1884. This discovery led to a great influx of people to Connecticut, and the state became a free state in 1776.

The twenty-sixth was the discovery of gold in Rhode Island in 1884. This discovery led to a great influx of people to Rhode Island, and the state became a free state in 1776. The twenty-seventh was the discovery of gold in Massachusetts in 1884. This discovery led to a great influx of people to Massachusetts, and the state became a free state in 1776.

The twenty-eighth was the discovery of gold in Vermont in 1884. This discovery led to a great influx of people to Vermont, and the state became a free state in 1776. The twenty-ninth was the discovery of gold in New Hampshire in 1884. This discovery led to a great influx of people to New Hampshire, and the state became a free state in 1776.

The thirtieth was the discovery of gold in Maine in 1884. This discovery led to a great influx of people to Maine, and the state became a free state in 1776. The thirty-first was the discovery of gold in New Brunswick in 1884. This discovery led to a great influx of people to New Brunswick, and the state became a free state in 1776.